

**Town of North Smithfield Planning Board
Kendall Dean School, 83 Greene Street
Thursday, April 2, 2009, 7:00 PM**

The Chair called the meeting to order at 7:00 pm.

I. Roll Call

Present: Joe Cardello, Scott Gibbs, Dean Naylor, Bruce Santa Anna, Gene Simone, Steven Vowels. Absent: Alex Biliouris. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

II. Approval of Minutes

There were no minutes ready for approval.

III. Industrial Drive Development – Major Subdivision

Applicant: Robert Branchaud

Location: Industrial Drive,

Assessor: Plat 5, Lot 76

Zoning: Manufacturing (M)

Mr. Ericson stated that the Board should be reviewing the plan with regard to drainage analysis. The applicant showed a maximum build-out for drainage analysis, but the final development may be

smaller. Attorney Eric Brainsky was present for the applicant and provided a brief history of project's size and location. Master Plan approval was granted in 2007. It is a two-phase plan, and the applicant won't know the specific uses until proposed business (buyer or lessee) is determined. There has been extensive review for drainage at DEM. Public water and sewer are present at the site, and the applicant is asking for a waiver of landscaping plan since they are not sure about the exact building plans. The applicant will present landscape plans during development plan review.

Paul Gadoury, design engineer, explained the drainage system. He stated that the site slopes to north and discharges into the Branch River. The site has very good draining soils, except on the wetlands, but there is no development proposed within the wetlands. Mr. Gadoury has designed a subsurface infiltration system and emergency overflow system. The drainage system complies with subdivision, town, RIDOT, and RIDEM regulations.

Mr. Santa Anna asked about the cleanup on the infiltration system. Mr. Gadoury stated that the maintenance plan outlined on plan. Mr. Gadoury stated that the standard capture rate for suspended solids is 25%, but that this system should result in an amount somewhat higher. Mr. Santa Anna asked if there is any possibility of these systems failing. Mr. Gadoury stated that there will be some degrading over time, but they are conservatively designed, and it should be a long time before any significant degradation takes place.

He stated that if there is a complete system failure, it would have to be rebuilt. He also stated, in response to Mr. Santa Anna's question, that there is no chance of street flooding if/when it fails. He stated that the system has a steady, very slow rate of exfiltration. The Chair asked if the total suspended solids (TSS) removal rate has been accepted by DEM. Mr. Gadoury stated he believes so, since DEM approved the system.

The Chair stated that he is concerned with clogging of the CULTEC system and with the culvert under railroad, it could cause flooding. Mr. Gadoury responded that the possibility does not exist because of the location of the site and the watershed. He stated that DEM concurred with this. The Chair stated that he is concerned with the cumulative effect of subsequent phases of the development. Mr. Brainsky stated that all these concerns were raised by DEM during the extensive review. He added that DEM will need to review and approve all drainage systems and that they are aware that a second phase is planned. This system will result in no increase in runoff, per state regulations. Mr. Gadoury stated that he had at least three meetings with DEM to discuss drainage system and they are 100% satisfied.

Mr. Naylor asked what would indicate a system failure. Mr. Gadoury stated that it would overflow more often, but with proper care it will function for a long time. The Chair stated that DEM usually requires

80% capture rate for TSS, he is concerned that this system is setting up for an earlier failure and with flooding downstream. Mr. Gadoury stated that there won't be flooding, even with zero infiltration. He also stated that the UIC permit has been issued, but a RIPDES permit is not required, due to less than five acres of disturbance.

Mr. Gibbs stated that the long term maintenance plan requires a quarterly review and annual report to town. He would like to add that an engineer certify that it's performing. The Chair added that the report should have a date of December 1 of each year on which to submit the report. The Chair asked Mr. Ericson if the town can require a peer review of drainage. Mr. Ericson stated that they can, but the Board should consider whether it is it practical. Mr. Brainsky pointed out that nothing will be built until after development plan review. Mr. Gibbs asked if the remaining subdivision land need a wetland permit. Mr. Brainsky stated that an access easement is being worked out; there is a dispute over the enforceability of an existing easement, and if the issue is not resolved, then they will need a wetland permit.

The Chair opened the hearing to the public, but no one was present who wished to speak on the application. The public hearing was closed.

Mr. Santa Anna made a motion to grant a waiver on the submission of a landscape plan until development plan review, as it will be consistent with good planning practice. Mr. Gibbs seconded the

motion, with all in favor.

Mr. Santa Anna made a motion to approve the preliminary plan for a major subdivision on Plat 5, Lot 76, plans dated March 13, 2009. Mr. Gibbs seconded the motion. The following stipulations apply: 1) Parking areas, buildings, landscaping, and related development details are provided for drainage analysis only and approval of this plan will not be construed as approval of these features, and 2) At the time this plan comes back for Development Plan Review under section 17, the plan submitted to the Town Planner will be sent for peer review of the proposed drainage and water quality aspects shown on the site. Planning Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Gibbs, Mr. Naylor, Mr. Simone. Motion passed, with a vote of 5-0.

Mr. Brainsky asked if the Board would approve an administrative final approval on the subdivision. Mr. Gibbs made a motion to have the final approval of the subdivision be granted administratively. Mr. Simone seconded the motion. Mr. Santa Anna asked that since the Board is doing this often, should it be an automatic process or on a case-by-case basis. Mr. Gibbs stated that he feels it can be done by a professional town planner. The Chair stated that he is not in favor of having it automatically being done administratively. Vote on the motion: AYE: Mr. Cardello, Mr. Santa Anna, Mr. Gibbs, Mr. Naylor, Mr. Simone. Motion passed, with a vote of 5-0. Mr. Ericson asked the applicant to submit a PDF of the final plans and note any changes.

The Chair called a 5- minute recess at 8:10 pm. He called the meeting back to order at 8:18 pm.

IV. Rocky Hill Estates – Minor Subdivision - Preliminary

Applicant: Adam Rodzik

Location: 146 Rocky Hill Road

Assessor: Plat 16, Lot 29

Zoning: Rural Agricultural (RA-65)

Attorney Matthew Shaw addressed the Board for the applicant. He stated that the application has been certified incomplete by Mr. Ericson, and before proceeding, the applicant would like a little more input from the Board. Engineer Joe Casali addressed the Board to give a general overview of the project. He asked the Board to give direction on a number of questions that the applicant has: 1) road width and sidewalks, 2) frontage requirement on Lot 3, 3) house on Lot 3 to be built outside the contiguous lot area, and 4) historic crossing on property. The applicant is requesting a 26-ft. roadway with bituminous berm, but the Board stated that they would like to keep the 30-ft. roadway requirement, as well as the sidewalk requirement. The Board asked Mr. Ericson to obtain a written opinion from Building Inspector Bob Benoit regarding the frontage requirements. Mr. Ericson agreed and noted that the 160' frontage requirement is obtainable by revising the plans. Mr. Casali stated that the Lot 3 house proposed to be located outside the contiguous lot

area, because the applicant does not want to cross the wetlands when there is usable area in the front. The Chair and Mr. Santa Anna both stated that the contiguous land requirement in the ordinance was written to avoid situations like this. Mr. Ericson stated that the historic crossing is a built-up area that was used for wagons and livestock. The crossing and the entire contiguous land area should be shown on the plan. He suggested setting up a site visit for the Board to look at the historic crossing. The Board also discussed whether the detention pond should be included in the buildable area. The Chair stated that he does not consider it as part of the buildable land included in the calculations.

The Chairman also pointed out that the location of the septic systems may need to be adjusted. He also asked about Lot 1, with regard to one point that is only about 35-ft. wide. Mr. Ericson will check to see if this is in compliance with the regulations.

Mr. Ericson stated that a site walk will take place at 10:00 am on April 11, 2009.

V. Review of Plan & Recommendation to Zoning Board

Applicant: Jehovah's Witness

Location: 1054 Victory Highway

Assessor: Plat 1, Lot 151

Zoning: Rural Agricultural (RA-65)

Mr. Ericson stated that he had submitted a history of the project to the Board. The Board will complete its usual Development Plan Review, and then give its recommendation to the Zoning Board.

Attorney John Shekarchi addressed the Board. He stated that the applicant is under contract to buy the property to build a 4000 sq. ft. building on 4.3 acres of land. He stated that the applicant had been before the Zoning Board seeking a special use permit, but they had been instructed to go to the Planning Board for Development Plan Review. The Zoning Board also submitted a list of concerns about the project and some possible mitigation measures. (The list of concerns and the responses given at this hearing are below.)

Edward Pimental addressed the Board to give a brief overview of the report he had prepared regarding this application. He stated that he had completed an extensive analysis of other sites used for Kingdom Halls throughout the state. This site has about one acre of developable area (out of 4.3 total acres on the property). Even with just one acre of buildable land, this site is larger than other Kingdom Hall sites. He stated that the building will fit in with the neighborhood, and religious institutions are often located in residential neighborhoods. He stated that he had inspected a number of Jehovah's Witness congregations, and they are small in size, not typical religious institutions. He stated that the proposed building and use meets all the standards of a Special Use Permit and is compatible with the Town's Comprehensive Plan. Mr. Pimental stated

that his opinion is that the applicant did its due diligence in seeking alternate sites, and that the Board can speak with Joe Jenks for more specifics on this topic.

Michael Desmond, traffic engineer from Bryant Associates addressed the Board. He stated that he had prepared an initial report, which was peer-reviewed by Commonwealth Engineering at the request of the Zoning Board. This review led to the final report, which incorporated the suggestions by the peer reviewers. These included: 1) adding lights on the driveway utility pole, 2) addition of a side road intersection warning sign, 3) vegetation trimmed back within 10-ft. of the entrance/exit, 4) prohibiting parking along Rt. 102 (suggested, but unenforceable due to Rte. 102 being a state highway). Commonwealth Engineering in a letter dated November 18, 2008 concurred with mitigation proposed and concluded that changes in traffic will be minimal, with no reduction in safety. Mr. Santa Anna asked if the applicant will pursue the no parking on Rte. 102. Mr. Desmond stated they will ask the state during their physical alteration permit application. Mr. Desmond clarified that the level of service exiting the property will be a D now; the level of service F comes when adding potential development in the area. He also clarified that level of service F is not failure, but the least favorable level of service.

In response to the Board, he stated that the right in/right out suggestion on entering and exiting the site is not enforceable on the state road.

Mr. Desmond stated that traffic volumes in the report are based on discussions with congregations. The maximum number of cars ever at one of the congregations is 46, which results in 92 additional trips in an hour. This volume will have minimal impact on Rte. 102 and at the Rte. 102/Rte. 5 intersection. In regard to the Zoning Board's concern with truck traffic being included in sight distance analysis, Mr. Desmond testified that AASHTO safe sight stopping distances are based on all vehicles (including trucks), and that typically truck drivers are seated higher, which gives them additional sight distance. He added that trucks approaching from the north will be going uphill and will be traveling slower.

In response to concerns of the Zoning Board, Mr. Desmond stated that there is no reason for separate entrance and exit, that the 24-ft. wide in/out is adequate. Making them separate would result in creating two conflict points Mr. Desmond testified that with vehicles traveling at the speed limit, the plan meets intersection sight distance, which is longer than stopping distance. At 45 mph (85th percentile speed), vehicles still had more than enough stopping distance by AAHSTO standards. With regard to vehicles stacking to make left turns, he stated that there is no indication of significant queues and that accident data does not indicate an issue with stacking. The project will result in safe circulation patterns. Mr. Vowels asked if the 46 cars is the maximum or if there are ever shared services. There are no shared services. Each congregation meets at separate times.

Mr. Naylor stated that although the posted speed limit is 35 mph, the 85th percentile speeds are 45.2 mph. He stated that he had been a member of the Zoning Board for a couple of the early hearings and he remembers that the original report stated there would be 54 cars, with about 80 people, (1.5 people per car). Mr. Desmond stated that at the time of the peer review they asked for more details, and got 46 cars as the maximum. The Chair asked about the turnover rate. Mr. Desmond stated that there will never be 46 cars going in and 46 coming out of the site at the same time. Mr. Desmond stated that during the peak hour of activity for the site, there will be an 8% increase (approximately 870 trips on Rte. 102). Mr. Naylor stated that it is very hard to get out of Gators parking lot, which is just up the road. He is concerned with safety issues for congregants trying to get out of the site. Mr. Desmond stated that it will take patience, and that not everyone leaves at one time. Mr. Naylor stated that he remembered from the Zoning Board hearings that the sight distance toward Burrillville was an issue, and that a neighbor measured and came up with a different number than that in the report. Mr. Desmond said that he had it surveyed, and the sight distance is 389 ft. (375ft. is required), hence the recommendation of putting a warning sign.

Mr. Simone asked if there were any problems at the former Jehovah's Witnesses Rte. 146A facility. Mr. Desmond stated that he is not aware of any. Mr. Santa Anna asked how long it typically takes to empty the parking lot. Mr. Desmond stated it would take approximately 15

minutes. Mr. Santa Anna also asked how many cars exit Dunkin' Donuts. An exact number is not known, but Mr. Santa Anna stated it is probably a lot more than would be exiting the proposed site. The Chair stated that although the parking on the road is a DOT decision, perhaps adding a low line of shrubs and no walkway to site will result in not inviting people to walk (show that parking on the street is not encouraged).

Mr. Gibbs stated that he would like to review the stamped landscape plan and stated he would like to see the applicant use alternative low clearance LED lights. He also wants to review proposed screening (fencing and planting).

Eric Bazzett, PE, drainage engineer, reviewed the summary of his report. In response to the lighting, he said he will look into alternatives. He will look into accessibility issues and ADA requirements regarding a sidewalk (or not having one) from the street to the building. In regard to wellhead protection, he stated that the regulations call for a 50-ft. distance from a public road for siting new wells. He stated that the proposed well was sited appropriately.

Mr. Gibbs stated that an aerial view would be helpful. The Chair asked if they had received a DEM permit. Mr. Bazzett said that they had received the edge verification, but not the permit. Mr. Nadeau told the Board that they need permits for approval. The physical alteration permit from DOT has not been received yet, either.

Mr. Shekarchi, in response to concerns of the Zoning Board, stated for the record that he disagrees that changes to the plans were made without the Zoning Board asking, and he disagrees that there is no record of the applicant looking at other properties. The Chair responded that it is not in the Board's purview to tell the applicant where to site their Kingdom Hall.

Mr. Naylor made a motion to continue the application to the following dates: April 11, 2009 at 10:00 am for the site walk and April 16, 2009 at 7:00 pm for continued testimony. Mr. Santa Anna seconded the motion, with all in favor.

Below is the list of concerns submitted to the Planning Board from the Zoning Board. The italicized portion is the testimony given in response to these concerns by the applicant at the April 2, 2009 Planning Board meeting:

List of Project Concerns

1. There are alternative locations and/or parcels in town that are better suited for such a project, offering more buildable space, which in itself would mitigate the road safety concerns associated with this project.

2. No alternative locations were provided by the applicant nor did

they supply any evidence a search within the town of North Smithfield for alternative locations ever took place.

1 & 2. Mr. Shekarchi stated that the applicant had conducted an extensive analysis of other sites. Edward Pimental stated that the applicant had done its due diligence in looking at possible sites for the kingdom hall. Mr. Shekarchi stated that Joe Jenks could testify further regarding the process. The Chair stated that it is not in the Board's purview to tell the applicant where to buy property.

3. Where is the precedent regarding a church worship structure in town being located on such a small (long and narrow) size lot. All other churches in town offer more open space, are not confined or restricted by lot size; are located in areas with much more open and buffer space to the local neighborhood, thus keeping in the compatibility and harmony those neighborhoods. There is no precedent existing in town that allowed a worship structure to be located in such a confined space.

Edward Pimental testified that he believes the proposed use to be compatible with the neighborhood and the town's Comprehensive Plan. He stated that religious institutions are often located in residential neighborhoods. As part of his review, he inspected a number of Jehovah's Witness congregations, and all are small in size; they are not typical religious institutions.

4. The proposal is a Regional facility, where three congregations East & West Woonsocket, R.I. and Douglas MA. (approx. 300 people) are going to share the same worship hall, thus causing a higher than usual concentration of traffic at the proposed site as compared to the formal residential dwelling.

Mr. Desmond stated that traffic volume is based on discussions with the congregations' maximum number of cars (46), which leads to 92 additional trips in one hour. This will result in a minimal impact on Rte. 102 and at the intersection of Rte. 102 & Rte. 5.

5. The "Regional" aspect of such a worship facility will intrude on the compatibility and harmony of the neighborhood by the sheer number of attendees, the resulting increased traffic to the site and the 70 car parking lot and driveway, where prior, a single residential dwelling stood.

The degradation of traffic to a level of service F (failure), which the traffic engineers stated would impact only those cars exiting the proposed Kingdom Hall site, will also impact the level of service for abutting properties. At this level of service, the time to exit will be 1.5-2 minutes.

Traffic engineer Michael Desmond testified that Bryant Associates had prepared an initial report on traffic, which was peer reviewed by Commonwealth Engineering. In response to the peer review, the

following suggestions/revisions were made: 1) addition of light on driveway utility pole, 2) addition of a road intersection warning sign, 3) trim back vegetation within 10 feet of the entrance, 4) suggested that parking be prohibited along Rte. 102. According to the peer review, Commonwealth Engineering agreed that with the proposed mitigations, change in traffic will be minimal and there will be no reduction in safety. Mr. Desmond stated that the applicant will pursue the possibility of a parking prohibition along Rte. 102 when they apply with the DOT for a physical alteration permit.

Mr. Desmond stated that level of service F is not a failure, but it is the least favorable. He added that the level of service as proposed will be D, but the level of service F is only if all potential development in the vicinity is added to the calculations. He stated that the applicant is not able to enforce a right-turn only entrance/exit because the road is a state highway.

6. The abutting neighbor's (both sides) have an existing right to well head drinking water protection, the same that exist today and prior to this proposal. The very close proximity of the asphalt parking lot is of particular concern. The design does not include any ground water protection buffer zone for the existing private drinking water wells which abut the site.

It is our understanding that according to DEM regulations, a buffer of 50 feet minimum from any drinking water well to the parking lot

and/or driveway pavement edge (asphalt, concrete or other) should be maintained to both existing neighbor's well heads. Parking lot and driveway asphalt or cement should not come within 50 feet of any drinking water well. A 50 foot ground water protection buffer zone must be maintained at all times.

Drainage engineer Eric Bazzett testified that the 50-ft. buffer regulation refers to the distance of a well to the road.

7. Although the lot size is 4.2 acres almost 3 acres is wetlands and approximately 1 Acre is build able. It is obvious the lot is better suited to receive a residential home as existed prior to this proposal, something conforming to and in harmony with the existing residences of both neighboring homes and properties.

Edward Pimental testified that even from a 1-acre perspective, the site is larger in size than other Kingdom Hall locations in the state.

8. Truck stopping distances were not included in the traffic study even though the board asked for this information several times. Stopping distance for trucks are much longer than the distance for cars.

Mr. Desmond stated that truck traffic is included in the sight distance analysis, as AASHTO safe sight & stopping distances are based on all vehicles. Additionally, truck drivers are typically up higher, which

adds to their sight distance. Trucks approaching from the north will be traveling more slowly since they will be coming uphill.

9. The lot configuration being long and narrow, with only 200 feet of frontage (i.e. 200 ft. existing sidewalk) cannot support a separate entrance and exit design for ingress and egress. This shortage of frontage distance on Rt. 102 (the busiest road/highway in town) is such that only a shared entrance/exit design is feasible. This fact alone has direct bearing on all stopping distances reported.

Mr. Desmond stated that there is no reason to have a separate entrance/exit, and that having separate entrance and exit would result in 2 conflict points.

10. The 24 foot wide shared entrance/exit (12ft./12ft.) design barely meets the minimum distance requirements for automobiles without any margin for error. Also truck stopping distances were not studied (included) or reported even though the board asked for this information several times.

Mr. Desmond stated that 24-ft. wide entrance/exit is adequate. Mr. Desmond stated that truck traffic is included in the sight distance analysis, as AASHTO safe sight & stopping distances are based on all vehicles. Additionally, truck drivers are typically up higher, which adds to their sight distance. Trucks approaching from the north will be traveling more slowly since they will be coming uphill.

11. The shared entrance and exit design and stopping distances were flawed in the original application and did not accurately reflect the necessary stopping distance required. After this fact was exposed mathematically the applicant's engineers changed the design without a request from the board and moved the entrance/exit approximately 45 feet. This change allowed the stopping distance to almost be achieved, but still short 11 ft at 40 MPH (intersection sight distance), without any margin for error. At 45 MPH the proper stopping distance is short 66 ft. which exceeds the recommended guidelines. Also, again -- stopping distance calculations did not take into account trucks.

The Board did not request any change or modification to the original application during the review process of the application. The applicant chose this action without consulting the Board.

Mr. Desmond testified that with vehicles traveling at the speed limit, the plan meets intersection sight distance, which is longer than stopping distance. At 45 mph (85th percentile speed), vehicles still had more than enough stopping distance by AAHSTO standards.

12. Due to the property location on Rt. 102, and given the constant traffic pattern, there is not adequate room to alleviate stacking of traffic turning left into the property. Traffic will be forced to pass on the right or use the right hand breakdown lane which is illegal, to

pass the line of stacked cars waiting to turn left into the property via the shared entrance/exit.

Mr. Desmond stated that with regard to stacking issues, there is no indication of significant queues and accident data does not indicate an issue with stacking. He testified that the proposed development will result in safe circulation patterns.

Possible restrictions to be considered:

1. Must only exit to right (North Smithfield Police recommendation per letter.)

2. Must only enter from right.

1 & 2. This is a state highway, so there is no way to enforce this.

3. Existing drinking water well head protection must not be impacted. A buffer of 50 feet minimum from any drinking water well to the parking lot and/or driveway pavement edge (asphalt, concrete or other) must be maintained to both existing neighbor's well heads. Parking lot and driveway asphalt or cement must not come within 50 feet of any drinking water well. A 50 foot ground water protection buffer zone must be maintained at all times.

DEM permit is required for Planning Board approval.

4. A police traffic detail must be present for all events. All traffic details will be available 1/2 hour before any event to 1/2 hour after any event. This restriction will be required for the first two years, after which time all Police details will be at the discretion of the Police Chief based on the prior two years experience.

5. Must maintain a buffer of evergreen trees on both abutting neighbor property lines. These trees must be placed side-by-side and tall enough as is necessary to mitigate lighting glare and violations to the Noise Ordinance due to the increased sound level of the parking lot and building's use.

A landscape plan will be submitted for the Planning Board to review with regard to lighting and buffering to abutting properties.

VI. Review of Planning Projects

Mr. Ericson stated that with regard to any current planning projects, the Board should e-mail him with any questions.

At 9:57 pm, Mr. Naylor made a motion to extend the time of the meeting by 5 minutes. Mr. Santa Anna seconded the motion, with all in favor.

Mr. Santa Anna made a motion to adjourn at 10:01 pm. Mr. Naylor seconded the motion, with all in favor.

Respectfully Submitted;

Angela Pugliese

Planning Board Secretary